

October 2, 2012

Via Electronic Submission

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A325
Washington, DC 20554

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Re: Notice of Ex Parte Communication

Service Rules for Advanced Wireless Services in the 2000-2020 MHz and 2180-2200 MHz Bands, WT Docket No. 12-70; *Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525-1559 MHz and 1626.5-1660.5 MHz, 1610-1626.5 MHz and 2483.5-2500 MHz, 2000-2020 MHz and 2180-2200 MHz*, ET Docket No. 10-142; *Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz Bands*, WT Docket No. 04-356

Dear Ms. Dortch:

Sprint Nextel Corporation (“Sprint Nextel”) responds to the *ex parte* submission of the DISH Network Corporation (“DISH”) dated September 24, 2012, in the above-captioned proceedings.¹ As consistently stated in its responses to the AWS-4 NPRM/NOI,² and in its recent *ex parte* letter to the Commission, Sprint Nextel supports the expeditious assignment of the AWS-4 licenses to DISH as the incumbent MSS licensee.³ Sprint Nextel’s primary concerns in this proceeding are simple: (1) that there be no diminution or weakening of the PCS G Block interference protections established in 3GPP TS 36.101 and the Commission’s

¹ Letter from Jeffrey H. Blum, DISH, to Marlene H. Dortch, Secretary, FCC, WT Docket Nos. 12-70 and 04-356 and ET Docket No. 10-142, at 1 (Sept. 24, 2012) (“DISH Ex Parte Presentation”).

² *Service Rules for Advanced Wireless Services in the 2000-2020 MHz and 2180-2200 MHz Bands; Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525-1559 MHz and 1626.5-1660.5 MHz, 1610-1626.5 MHz and 2483.5-2500 MHz, 2000-2020 MHz and 2180-2200 MHz; Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz Bands*, WT Docket Nos. 12-70 and 04-356 and ET Docket No. 10-142, Notice of Propose Rulemaking, 27 FCC Rcd. 3561 (2012).

³ See Comments of Sprint Nextel Corporation, WT Docket Nos. 12-70 and 04-356 and ET Docket No. 10-142, at 6 (filed May 17, 2012); Reply Comments of Sprint Nextel Corporation, WT Docket Nos. 12-70 and 04-356 and ET Docket No. 10-142, at 14 (filed June 1, 2012); Letter from Lawrence R. Krevor, Sprint Nextel Corporation, to Marlene H. Dortch, Secretary, FCC, WT Docket Nos. 12-70 and 04-356 and ET Docket No. 10-142, at 6 (Sept. 17, 2012).

rules; and (2) that the Commission preserves the H Block for wireless broadband communications. The achievement of these complimentary goals will provide numerous benefits to the public by facilitating the ability of G Block, H Block and AWS-4 licensees to provide competitive wireless broadband communications services.

These protections, and proper coordination between the licensees, will go a long way towards ensuring that the ongoing 3rd Generation Partnership Project (“3GPP”) standards process for Band 23 moves forward efficiently and expeditiously. Another important factor will be DISH’s withdrawal of its 3GPP proposals related to Band 23 User Equipment (“UE”) spurious emissions into Band 25, as well as its assurance that it will work to facilitate the 3GPP process for the H Block. Indeed, in light of its own new proposals to 3GPP, DISH’s suggestion that Sprint Nextel is attempting to introduce “new technical claims and arguments to delay or muddle the issues related to final AWS-4 rules” clearly reflects a misunderstanding of Sprint Nextel’s position.⁴ With these considerations in mind, this letter offers more detailed clarifications for the record.⁵

First, Commission action to protect the PCS G Block and establish a broadband-capable H Block need not create substantial delays in the ongoing 3GPP standards-setting process beyond that already occasioned by DISH’s recent proposals to 3GPP, one of which would alter the current 3GPP out-of-band emission (“OOBE”) standard and provide less protection for Sprint Nextel’s PCS G Block operations.⁶ Those proposals remain under consideration at 3GPP. In any case, additional 3GPP standards-setting work is necessary to: (1) address outstanding coexistence issues; (2) harmonize Band 23 for a single operator; and (3) protect new operations in the H Block should the Commission choose to auction and license this spectrum for commercial use. Sprint Nextel has no interest in unnecessarily prolonging completion of the 3GPP process, and expects that these issues can be addressed in six months or less, provided DISH withdraws its current proposal to modify Band 23 UE spurious emissions limits into Band 25 and agrees to work cooperatively with Sprint Nextel to address existing interference concerns.

Second, establishing appropriate interference protections for Sprint Nextel’s existing PCS operations should not be controversial. Sprint Nextel stands by its previous statements regarding the adequate OOBE interference standard to protect its PCS operations and continues to support adequate interference protection in accordance with the

⁴ DISH Ex Parte Presentation, at 1.

⁵ This Sprint Nextel Ex Parte Presentation supplements a separate communication filed today by Sprint Nextel, which further clarifies its position regarding these matters. See Letter from Stephen Bye, Chief Technology Officer and Vice President of Technology Development and Strategy, and Lawrence R. Krevor, Vice President, Legal and Government Affairs – Spectrum, Sprint Nextel, to Julius Genachowski, Chairman, FCC, WT Docket Nos. 12-70 and 04-356 and ET Docket No. 10-142 (filed Oct. 2, 2012).

⁶ For example, at the recent 3GPP TSG RAN WG#4 meeting in August, 2012, DISH proposed to add 15 MHz and 20 MHz bandwidths to Band 23. R4-124812, “Addition of 15 and 20MHz Bandwidths for Band 23 to TS 36.101 (Rel-10); R4-124056, “Addition of 15 and 20MHz Bandwidths for Band 23 to TS 36.101 (Rel-11)”;

R4-124060, “Band 23 A-MPR for 15 & 20 MHz BWs.” DISH has also submitted a new proposal on LTE Advanced Carrier Aggregation. R4-124059, “Proposed WID: LTE Advanced Carrier Aggregation Bands 23+[LTE_DL_FDD700].”

recommendations of 3GPP and existing ATC rules. However, that support was based on existing Commission rules that require greater attenuation and interference protection in the event that harmful interference occurs. Consequently, the Commission should maintain service rules (including OOB limits) that include assurances that any harmful interference from 2 GHz S Band operations to adjacent spectrum be resolved consistent with 47 C.F.R. §§ 25.252(c)(3) and 25.255 (and/or any applicable successor provisions).

Third, the Commission should preserve and expeditiously auction the H Block for wireless broadband use. While DISH suggests that use of the H Block is constrained by a number of technical issues, the Commission has developed an extensive record which confirms that mobile services in the H Block can coexist with incumbent PCS operations. As a result, the Commission should establish reasonable OOB limits that provide H Block operations with the same level of protection from 2 GHz S Band interference as the PCS G Block and include assurances that any harmful interference from 2 GHz S Band operations will be resolved consistent with 47 C.F.R. §§ 25.252(c)(3) and 25.255 (and/or any applicable successor provisions). In addition, the Commission should establish OOB limits from H Block that assure the competitive utility of H Block and the adjacent bands.

Fourth, nothing should be inferred by DISH or any other party from Sprint Nextel's silence on potential interference between DISH's operations and BAS and government space operations at 2025-2100 MHz. Sprint Nextel's primary concerns are to ensure that the PCS G Block is fully protected from adjacent interference and to have the H Block auctioned to introduce more broadband wireless spectrum into the market. Consequently, Sprint Nextel respectfully declines to opine on this matter as it is implicated only if the Commission adopts an alternative band plan, which the Commission need not do to fully address Sprint Nextel's concerns in this proceeding.

Pursuant to 47 C.F.R. § 1.1206 of the Commission's rules, this letter is being electronically filed with your office. Please let me know if you have any questions regarding this filing.

Sincerely,

/s/ Marc S. Martin

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